

IN THE DISTRICT COURT OF THE STATE OF UTAH, IN AND FOR THE COUNTY
OF UTAH.

PROVO RESERVOIR COMPANY,

Plaintiff,

-vs-

PROVO CITY, et al,

Defendants.

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STATE OF UTAH,)

COUNTY OF SALT LAKE,)

ss.

D. L. BRUNDIGE, being duly sworn, says that he is the Superintendent of Maintenance of Utah Power & Light Company, one of the defendants in the above entitled action, and as such officer is in charge of the operation of what is commonly known as the Olmsted Power Plant of said defendant, situate on Provo River in Utah County, Utah; that, as affiant is informed by his subordinates having immediate charge of the operation of said power plant, the natural flow of water in the Provo River at the diversion dam of said Olmsted Plant at the present time, is approximately two hundred fifteen second feet, and that such natural flow is now being divided by T. F. Wentz, the Commissioner appointed by this Court to distribute the waters of said river, between the plaintiff, Provo Reservoir Company, and said defendant, Utah Power & Light Company, in the proportion of approximately thirty-seven second feet to the said plaintiff under its rights in and to the use of the waters of said river as successor-in-interest to the Blue Cliff Canal Company, and one hundred eighty-three second feet to the said defendant; that because of the failure and refusal of the said Commissioner to distribute the entire natural flow of the river to it, the said defendant has, for some time past, been and is now being compelled to use water from its storage reservoirs on other water sheds which it would not otherwise be required to use in order

to increase the power output of its power plants for the purpose of supplying its customers, and that if such shortage in the natural flow of the said Provo River continues throughout the present low water season, which judging from present indications will be the case, and the waters of said river are distributed pro rata between the plaintiff and the said defendant under the order of court heretofore entered in the above entitled action and now in force, the said defendant, Utah Power & Light Company, will be compelled to draw heavily upon the water now stored in its reservoirs for use and which will be needed by it at later seasons of the year, in order to satisfy the present power needs of its customers and will thereby be caused great and irreparable injury.

Further affiant saith not.

H. L. Grundig

Subscribed and sworn to before me this 9 day of

July, A. D. 1918.

My commission expires _____.

J. M. Stevens
Notary Public.



#2888 Civil

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MOTION AND AFFIDAVIT.

J. T. Esperson
Deak Smart

STORY & STEIGMEYER
ATTORNEYS & COUNSELLORS AT LAW
BOSTON BUILDING
SALT LAKE CITY, UTAH